

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD C. ACORD,

Plaintiff,

vs.

KINGS COUNTY JAIL,

Defendant.

CIV F 05-0137 OWW LJO P

ORDER TO SUBMIT APPLICATION TO  
PROCEED IN FORMA PAUPERIS  
**OR** FILING FEE

Plaintiff filed this action while incarcerated and is proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff did not pay the \$150.00 filing fee, or submit an application to proceed in forma pauperis on the appropriate form pursuant to 28 U.S.C. § 1915 upon his initiation of the case.

On February 28, 2005 the court issued an Order requiring plaintiff to submit a completed application to proceed in forma pauperis or pay the \$150.00 filing fee. However, on March 22, 2005, the post office returned the Order to the court marked "Unable to Forward." On

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2 March 22, 2005, the court re-served plaintiff at a new address plaintiff supplied to the court: 470 #B  
3 Beech Lane, Lemoore, CA 93245. On April 1, 2005, the Orders served on plaintiff were again  
4 returned to the court with a notation "Not Deliverable as Addressed."

5 On April 25, 2005, (in case # 1:05-cv-0239 REC LJO P) plaintiff notified the court  
6 he was released from custody and was now at 470 #B Brooks Lane, Lemoore, CA 93245. Due to  
7 plaintiff's release and the unresolved fee issue, it is necessary that plaintiff submit an application to  
8 proceed in forma pauperis **by a non-prisoner**. Plaintiff will now be provided the opportunity to  
9 submit a new application to proceed in forma pauperis by a non-prisoner **or** pay the \$150.00 filing  
10 fee.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. The Clerk's Office shall send to plaintiff the form for application to proceed in  
13 forma pauperis **for a non-prisoner**;

14 2. Within THIRTY days of the date of service of this order, plaintiff shall submit a  
15 completed application to proceed in forma pauperis **for a non-prisoner**, or in the alternative, pay  
16 the \$150 filing fee for this action.

17 Plaintiff is forewarned that his failure to comply with this order will result in a  
18 recommendation that this action be dismissed.

19 IT IS SO ORDERED.

20 **Dated: June 24, 2005**  
b6edp0

/s/ Lawrence J. O'Neill  
UNITED STATES MAGISTRATE JUDGE